

NEWPORT TRIAL GROUP  
A Professional Corporation  
Scott J. Ferrell, Bar No. 202091  
sferrell@trialnewport.com  
Richard H. Hikida, Bar No. 196149  
rhikida@trialnewport.com  
David W. Reid, Bar No. 267382  
dreid@trialnewport.com  
Victoria C. Knowles, Bar No. 277231  
vknowles@trialnewport.com  
4100 Newport Place Drive, Suite 800  
Newport Beach, CA 92660  
Tel: (949) 706-6464  
Fax: (949) 706-6469

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

EDWIN ACUNA, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

MYOGENIX INCORPORATED; and  
DOES 1-10, Inclusive,

Defendants.

Case No.: 3:13-cv-02673-JAH-WVG  
Hon. John A. Houston

**JOINT MOTION AND STIPULATION  
FOR VOLUNTARY DISMISSAL  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 41(a)(1)(A)(ii)**

Date Filed: November 6, 2013

**JOINT MOTION AND STIPULATION OF VOLUNTARY DISMISSAL**

In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff, EDWIN ACUNA, by and through his undersigned counsel, and Defendant MYOGENIX INCORPORATED (“Defendant”), by and through its undersigned counsel, do hereby jointly move, stipulate and agree to a voluntary dismissal with prejudice of all claims asserted against Defendant in the above-styled action. Each party agrees to bear their own attorneys’ fees and costs.

Dated: June 11, 2014

By: /s/ Scott J. Ferrell  
 Scott J. Ferrell, Esq.  
 NEWPORT TRIAL GROUP  
 4100 Newport Place, Suite 800  
 Newport Beach, CA 92660  
 sferrell@trialnewport.com

*Attorneys for Plaintiff*

Dated: June 11, 2014

By: /s/ Kelly A. Van Nort  
 Kelly A. Van Nort, Esq.  
 WILSON ELSEER MOSKOWITZ  
 EDELMAN & DICKER LLP  
 655 West Broadway - Suite 900  
 San Diego, CA 92101-8484  
 kelly.vannort@wilsonelser.com

*Attorneys for Defendant*

*I, Scott J. Ferrell, hereby certify that the content of this document is acceptable to all persons required to sign this document and that I obtained the authorizations necessary for the electronic signatures of all parties for this document.*

By /s/ Scott J. Ferrell

**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2014, I electronically filed the foregoing **JOINT MOTION AND STIPULATION FOR VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/Scott J. Ferrell

Scott J. Ferrell